

# EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
(Springfield Division)**

**IRWIN INDUSTRIAL TOOL COMPANY  
D/B/A LENOX,**

**Plaintiff,**

**v.**

**MILWAUKEE ELECTRIC TOOL  
CORPORATION,**

**Defendant.**

**Civil Action No. 3:15-cv-30005**

**DECLARATION OF MATTHEW T. SAVARINO**

I, Matthew T. Savarino, hereby testify and state by declaration as follows:

1. I began working at Irwin Industrial Tool Company D/B/A Lenox, now a wholly-owned subsidiary of Newell Rubbermaid, Inc., (“Lenox”) in 2005. I assumed my current position as Senior Manager of Brand Marketing in the Tools Business Segment in October 2014.

2. I make the following declaration on personal knowledge and belief. If called upon to testify to the statements in this Declaration, I could and would competently testify to those facts.

3. Lenox introduced the Speed Slot® line of hole saws in April of 2011. The Speed Slot® represents a substantial advancement in hole saw technology as it was the first hole saw on the market to provide a “staircase” slot for significantly easier removal of work piece slugs that

get stuck in the interior of the hole saw once a hole is cut. A representative continuous staircase



slot design of Lenox is shown here:

4. Sometime around November of 2014, Milwaukee Electric Tool Corporation ("Milwaukee") introduced a line of Hole Dozer<sup>TM</sup> Bi-metal hole saws that copied Lenox's "staircase" slot.

5. Milwaukee has promoted its Hole Dozer<sup>TM</sup> line as competing directly with Lenox's Speed Slot® line of hole saws, running head-to-head comparisons of a Lenox Speed Slot® hole saw with what is represented as a Milwaukee Hole Dozer<sup>TM</sup> hole saw. One such promotion can be found on YouTube at <https://www.youtube.com/watch?v=iZ0iUdCyC8I>, titled "Milwaukee Hole Dozer Bi-Metal Hole Saws vs. Lenox Speed Slot." This YouTube video discusses that the staircase slot in the Hole Dozer<sup>TM</sup> makes removal of work piece slugs significantly easier.

6. I am told that Milwaukee has identified the following companies as competitors of Lenox along with Milwaukee: DeWalt Industrial Tool Company, Robert Bosch Tools Corporation, The M.K. Morse Company, The L.S. Starrett Company, and SNA Europe/Bahco. To our knowledge (and we track what products our competitors are offering), none of these other competitors, DeWalt, Bosch, Morse, Starrett, or Bahco, sells hole saws with staircase slots in the U.S. Thus, to our knowledge, Lenox and Milwaukee are currently the only two manufacturers of hole saws with a continuous staircase slots sold in the U.S.

7. Lenox and Milwaukee are the predominant competitors in the hole saw market. The sales, marketing and finance personnel at Lenox prepare and periodically update estimates of the wholesale dollar share each of our competitors has of the hole saw market. These estimates are prepared for business purposes, not for this or any other litigation. By Lenox's internal estimate, Lenox currently has 31% of the U.S. hole saw market whereas Milwaukee has 29% of the U.S. hole saw market. By Lenox's estimate, the next largest competitor has only 11% of that market.

8. In addition to substantial R&D costs that are not readily quantifiable at this point, several years after the expenditure, Lenox incurred more than \$3.5 million in capital costs to develop new manufacturing equipment for the new Speed Slot® hole saw product line. Including the market research Lenox conducted pre-launch and advertising campaigns that have been run in three of the past five years (but excluding substantial costs that we know were incurred but we have not been able to quantify), Lenox's investment in the Speed Slot® line of hole saws has easily exceeded \$7 million.

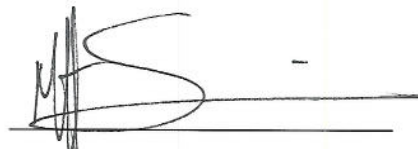
9. As part of these marketing efforts, Lenox educated our customers and prospects about the benefits and advantages of these improved hole saws. Before Lenox's innovation entered the marketplace, end users had adapted to the idea that nothing could be done to improve plug removal in a hole saw. This was evident when we would ask them 'what is important when using a hole saw?' – and life, durability and speed of cut always topped the list of desired features. After we introduced Speed Slot and went out to ask users the same question, easy plug removal was now listed as an important feature for a hole saw to have, along with life, durability and speed.

10. The innovation of the staircase slot, combined with Lenox's longstanding reputation for generally having higher quality, fast cutting, and durable saws, has enabled us to command a premium price for this product line. The sales of the LENOX Speed Slot hole saw product line have exceeded our initial forecasts and we have seen double digit annual growth resulting in a product line that does in excess of \$20M annually.

11. Currently, however, because of competition from Milwaukee in selling its copycat Hole Dozer<sup>TM</sup> product line, we are having to re-evaluate our premium position in the marketplace to remain competitive with our customer base.

I declare under the penalty of perjury pursuant to 28 U.S.C. 1746 that the foregoing testimony is true and accurate to the best of my knowledge, information, understanding, and belief.

January 4, 2016

A handwritten signature in black ink, appearing to read 'M. Savarino', is written over a horizontal line.

Matthew T. Savarino